

UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF VIRGINIA
ALEXANDRIA DIVISION

Innovative Sports Management, Inc. d/b/a Integrated
Sports Media,

COMPLAINT
Civil Action No.

Plaintiff,

-against-

CYNTHIA GUILLEN, Individually, and as officer,
director, shareholder and/or principal of PERUVIANIZED
BISTRO GROUP INC. d/b/a PERU 703,

and

PERUVIANIZED BISTRO GROUP INC. d/b/a PERU 703,

Defendants.

Plaintiff, Innovative Sports Management, Inc. d/b/a Integrated Sports Media
(hereinafter "Plaintiff"), by its attorneys, Kalijarvi, Chuzi, Newman & Fitch, P.C.,
complaining of the Defendants herein respectfully sets forth and alleges, as follows:

FACTUAL ALLEGATIONS

1. Plaintiff is a New Jersey Corporation who is in the business of obtaining commercial rights to sporting events in the United States and sells the right to perform the copyrighted sporting events to commercial establishments to exhibit to the public.
2. Plaintiff depends on commercial establishments to pay the requisite fee in

order to continue to stay in business and provide sports content to consumers.

3. Plaintiff is the owner of the Pre-Copa America 2019: Peru v. Colombia PPV Event scheduled for June 9, 2019, which originated via encrypted satellite, cable and IPTV (streaming) signal. Said Program originated via satellite uplink and was subsequently re-transmitted via encrypted satellite, cable and IPTV/ streaming signal (hereinafter referred to as the “Program”).

4. The Certificate of Registration was filed with the U.S. Copyright Office on July 15, 2019 under Registration Number PA 2-187-954.

5. In the instant case, the copyright protection did nothing to deter Defendants from publicly performing the Pre-Copa America 2019: Peru v. Colombia PPV Event scheduled for June 9, 2019.

“Peru v. Colombia”

6. The Pre-Copa America 2019 is one of Plaintiff’s most popular programming series and any advertisement for the event has Plaintiff’s logo and information on the advertisement.

7. Defendants CYNTHIA GUILLEN, Individually, and as officer, director, shareholder and/or principal of PERUVIANIZED BISTRO GROUP INC. d/b/a PERU 703 (hereinafter referred to as “Defendants”) publicly performed the Program.

JURISDICTION AND VENUE

8. This is a civil action seeking damages for violation of Copyright laws, copyright infringement under the copyright laws of the U.S. (17 U.S.C. §101, et seq.).

9. This Court has jurisdiction under 17 U.S.C. §101, et seq. and 28 U.S.C. Section §1331, which states that the district courts shall have original jurisdiction of all civil actions arising under the Constitution, laws, or treaties of the United States; and 28 U.S.C. Section §1338(a) (copyright).

10. Upon information and belief, venue is proper in this court because, inter alia, a substantial part of the events or omissions giving rise to the claim occurred within Fairfax County, which is within the Eastern District of Virginia, Alexandria Division (28 U.S.C. § 1391(b) and 28 U.S.C. §127(a)).

11. This Court has personal jurisdiction over the parties in this action. Defendants to this action had or have an agent or agents who has or had independently transacted business in the State of Virginia and certain activities of Defendants giving rise to this action took place in the State of Virginia; more particularly, Defendants' acts of violating federal laws and the proprietary rights of Plaintiff, took place within the State of Virginia. Moreover, upon information and belief, Defendants have their principal place of business within the State of Virginia; thus, this Court has personal jurisdiction over Defendants.

12. The amount in controversy is above \$75,000.00 and the Cause of Action arises out of 17 U.S.C. §501(a) and (b), giving this court Federal Question Jurisdiction.

THE PARTIES

13. The plaintiff is a New Jersey Corporation with its principal place of business located at 64 N. Summit St, Suite 218, Tenafly, New Jersey 07670.

14. Plaintiff is the owner of the Pre-Copa America 2019: Peru v. Colombia PPV Event scheduled for June 9, 2019, which originated via encrypted satellite, cable and IPTV (streaming) signal. Said Program originated via satellite uplink and was subsequently re-transmitted via encrypted satellite, cable and IPTV/ streaming signal (hereinafter referred to as the “Program”).

15. Upon information and belief the Defendant, CYNTHIA GUILLEN, resides at 7013 Braddock Mews Place, Springfield, VA 22151.

16. Upon information and belief the Defendant, CYNTHIA GUILLEN was the officer, director, shareholder and/or principal of PERUVIANIZED BISTRO GROUP INC. d/b/a PERU 703 located at 5005 Westone Plaza, Suite D, Chantilly, VA 20151.

17. Upon information and belief the Defendant, CYNTHIA GUILLEN, was the individual with supervisory capacity and control over the activities occurring within the establishment known as PERUVIANIZED BISTRO GROUP INC. d/b/a PERU 703, located at 5005 Westone Plaza, Suite D, Chantilly, VA 20151.

18. Upon information and belief the Defendant, CYNTHIA GUILLEN, received a financial benefit from the operations of PERUVIANIZED BISTRO GROUP INC. d/b/a PERU 703, on June 9, 2019.

19. Upon information and belief the Defendant, CYNTHIA GUILLEN, was the

individual with close control over the internal operating procedures and employment practices of PERUVIANIZED BISTRO GROUP INC. d/b/a PERU 703, on June 9, 2019.

20. Upon information and belief the Defendant, PERUVIANIZED BISTRO GROUP INC. is a domestic corporation licensed to do business in the State of Virginia and was doing business as PERU 703.

21. Upon information and belief, the Defendant, PERUVIANIZED BISTRO GROUP INC. d/b/a PERU 703, is located at 5005 Westone Plaza, Suite D, Chantilly, VA 20151, and had a capacity for 51-100 people on June 9, 2019.

22. Upon information and belief, the Defendant, PERUVIANIZED BISTRO GROUP INC. d/b/a PERU 703, is a business entity, having its principal place of business at 5005 Westone Plaza, Suite D, Chantilly, VA 20151.

23. Upon information and belief, Defendants, *jointly and severally*, received a commercial benefit by not paying the commercial licensing fee to the Plaintiff for the Broadcast and obtaining same through alternative means.

COUNT I

24. Plaintiff hereby incorporates paragraphs "1" through "23" as though fully set forth herein.

25. Plaintiff, by contract, is the copyright owner of the exclusive rights of distribution and public performance as to commercial establishments to the broadcast, including all undercard matches and the entire television Broadcast for Pre-Copa America

2019: Peru v. Colombia PPV Event scheduled for June 9, 2019, via closed circuit television and via encrypted satellite signal.

26. The Certificate of Registration was filed with the U.S. Copyright Office on July 15, 2019 under Registration Number PA 2-187-954. The Broadcast originated via encrypted satellite, cable and IPTV (streaming) signal. Said Program originated via satellite uplink and was subsequently re-transmitted via encrypted satellite, cable and IPTV/ streaming signal

27. As the copyright holder of the rights to the Pre-Copa America 2019: Peru v. Colombia PPV Event, Plaintiff has rights to the Broadcast, including the right of performance as well as the licensing to commercial establishments for the right to exhibit same.

28. As the copyright holder of the rights to the Pre-Copa America 2019: Peru v. Colombia PPV Event, Plaintiff has rights to the Broadcast, including the right of distribution as well as the licensing to commercial establishments for the right to exhibit same.

29. Defendants never obtained the proper authority or license from Plaintiff, to publicly exhibit the Pre-Copa America 2019: Peru v. Colombia PPV Event Broadcast on June 9, 2019 and was identified by Plaintiff advertising and exhibiting the Program to establishment.

30. Upon information and belief, with full knowledge that the Pre-Copa America 2019: Peru v. Colombia PPV Event Broadcast can only be exhibited within a commercial

establishment by the purchasing of a license from Plaintiff, Defendants and/or their agents, servants, workmen or employees illegally intercepted the Broadcast and exhibited same in her commercial establishment on June 9, 2019.

31. Specifically, upon information and belief, the Defendants and/or their agents, servants, workmen and employees unlawfully publicly performed the Pre-Copa America 2019: Peru v. Colombia PPV Event Broadcast, without paying the appropriate licensing fee to Plaintiff.

32. Plaintiff obtained proof, including video documentation from verifying the Copyrighted event being publicly performed within PERUVIANIZED BISTRO GROUP INC. d/b/a PERU 703, 5005 Westone Plaza, Suite D, Chantilly, VA 20151.

33. Upon information and belief, Plaintiff believes that this conduct was willful through the blatant disregard for the statute and deliberate attempt to deny Plaintiff the licensing fee.

34. By reason of the aforementioned conduct, the Defendants willfully violated 17 U.S.C. §501(a).

35. By reason of the aforementioned Defendants' violation of 17 U.S.C. §501(a), Plaintiff has a private right of action pursuant to 17 U.S.C. §501 (b).

36. As a result of Defendants' willful infringement of Plaintiff's copyrights and exclusive rights under copyright, Plaintiff is entitled to damages, in the discretion of this Court, under 17 U.S.C. §504(c)(1) and 504(c)(2), of up to the maximum amount of \$150,000.00.

37. Plaintiff is further entitled to its attorney's fees and costs pursuant to 17 U.S.C. §505.

WHEREFORE, the Plaintiff requests that judgment be entered in its favor and against the Defendants, *jointly and severally*, granting to Plaintiff the following:

(a) Statutory penalties in an amount, in the discretion of this Court, against Defendants, *jointly and severally*, of up \$30,000.00 pursuant to §504(c)(1) and enhanced damages in the amount of \$150,000.00 pursuant to §504(c)(2) for their willful violation of 17 U.S.C. §501(a); and

(b) Attorney's fees, interest, costs of suit as to the Defendants pursuant to 17 U.S.C. §505, together with such other and further relief as this Court may deem just and proper.

DATED: January 9, 2020

**INNOVATIVE SPORTS MANAGEMENT,
INC. D/B/A INTEGRATED SPORTS MEDIA**

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LLO FILE NO. ISM19-10VA-01